Appl. No. 09/940,767
Amdt. dated August 17, 2004
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group

PATENT

REMARKS

Prior to this Response, claims 1-7, 9-13, 15, 17-19 and 21 were pending in this application. Claims 4 and 12 have been amended. No claims have been added or canceled. Therefore, claims 1-7, 9-13, 15, 17-19 and 21 remain presented for examination.

Claim Objections

The Office Action has objected to claims 4 and 12 under 37 CFR 1.75(c) as being of improper dependant form for failing to further limit the subject matter of a previous claim. Claims 4 and 12 have been amended to clarify that a determination is made that a predetermined criterion is satisfied before the "activating a message-waiting indicator..." recitation. Therefore, Applicant respectfully requests the objection to these claims be withdrawn.

35 U.S.C. 102(b) Rejection, Kudoh et al.

The Office Action has rejected claim 1 as being anticipated by U.S. Patent No. 5,726,642 to Kudoh et al. (hereinafter "Kudoh"). Applicant respectfully traverses as Kudoh fails to teach all of the recitations of claim 1.

Kudoh discloses a radio receiver with an alarming function which alarms with one alarm if there are no unread messages in the radio receiver's message memory and with a second alarm if there are unread messages in the radio receiver's message memory. Kudoh, col. 7, ll. 37-43. In either case, the alarm activation is triggered by the receipt of a new message. Id., col. 5, ll. 65-66. Depending upon whether or not the bearer activates a switch during the alarming operation for the new message, the new message is either stored as an unread message (if the bearer does not activate the switch before the alarm termination signal) or as a read message (if the bearer does activate the switch before the alarm termination signal). Id., col. 6, ll. 28-29, 39-42.

In contrast, claim 1 recites "activating a message-waiting indicator associated with the pager after there is no response for the predetermined time period." In Kudoh, an incoming message is stored as either a read or unread message in the radio receiver's message

memory depending upon whether the bearer operates a switch. Thus, in Kudoh, if the bearer does not read a message after the predetermined time period for response has expired, it is simply stored as an unread message. The unread message alarm is not activated unless and until a new message is received at the radio receiver. Unlike claim 1, Kudoh does not activate a message waiting indicator after there is no response for a predetermined time period.

Applicant also respectfully submits that Kudoh fails to teach or suggest the recitation of "storing the message in a communication mode agnostic format." The messages in Kudoh (read or unread) are stored in the radio receiver's message memory. There is no indication in Kudoh that the message may be retrieved using anything other than the radio receiver. Additionally, there is no teaching or suggestion that digital signal stored in the radio receiver is in a communication mode agnostic format.

Kudoh fails to teach or suggest the recitations of claim 1 of activating a message waiting indicator after there is no response for a predetermined time period. Kudoh also fails to teach or suggest storing the message in a communication mode agnostic format. Accordingly, Applicant respectfully requests the rejection to claim 1 be withdrawn.

35 U.S.C. 103(a) Rejection, Gorday et al., LaPorta et al.

The Office Action has rejected claims 1-13, 15, 17-19 and 21 as being unpatentable over U.S. Patent No. 5,703,570, Gorday et al. (hereinafter "Gorday") in view of U.S. Patent No. 5,974,300, LaPorta et al. (hereinafter "LaPorta"). Applicants respectfully traverse as the references fail to teach or suggest all of the recitations of these claims.

Claim 1 recites, in pertinent part, "converting the page to a message" and "storing the message in a communication mode agnostic format." As stated in the Office Action, Gorday fails to disclose storing a message (which was converted from a page) in a communication mode agnostic format. Instead, the Office Action relies on LaPorta to disclose this recitation. Applicant respectfully disagrees.

LaPorta teaches a two-way wireless messaging system for sending messages to a two-way messaging device, such as a two-way pager. LaPorta, col. 4, ll. 44-50. A messaging

server obtains the location of a messaging device for a user from a user agent associated with the

messaging device. Id., col. 15, ll. 6-8. A user agent maintains the location of its corresponding

messaging device, the format in which the user wishes to receive the message, and the status

(e.g., if the device is active). Id., col. 7, ll. 17-26. The user agent may also maintain forwarding

or filtering information. Id., col. 8, ll. 17-18. After the location of the device has been obtained,

the messaging server sends the message to the distribution server for delivery. Id., col. 15, ll. 28-

30. The distribution server then either sends the message to the pager by executing a direct

paging algorithm or routes the message to a translator, if another format is to be used. Id., col.

11, ll. 31-35.

After careful review of LaPorta, Applicant can find no mention of storing

messages converted from a page in a communication mode agnostic format. Although not

explicitly stated, it appears to Applicant that the messaging server sends the message to the

distribution server as a page (hence the distribution server may use a direct paging algorithm for

sending to the user). The distribution server may route the message to a translator to translate

the page into a different format. Id., col. 11, ll. 29-34. As LaPorta explicitly states that the

distribution server routes the message to the translator, it appears to Applicant that the translator

is then used to forward the translated message; although LaPorta is silent as to these specifics. In

any case, LaPorta does not disclose that either the messaging server, the distribution server or

other component stores messages in a communication mode agnostic format. Accordingly,

LaPorta cannot disclose the specifics of claim 1 of storing a message (which was converted from

a page) in a communication mode agnostic format.

As neither Gorday nor LaPorta teach or suggest the recitations of claim 1

discussed above, Applicant respectfully submits that claim 1 is allowable. Applicant also

respectfully submits that claim 2-7, which depend on claim 1 are also allowable for at least the

same reasons.

Claim 10 recites "receiving a page from the pagor at a first location" and

"converting the page to a message away from the second location." The second location was the

location to which the page was wirelessly sent to the pager. The Office Action states this is

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disclosed by passages in Gorday which state that the system controller may be used to transmit voice messages, alphanumeric messages, response messages, and unsolicited messages. Gorday, col. 3, ll. 60-65; col. 5; ll. 11-16. However, Applicant can find no mention in these passages or the remaining disclosure of Gorday of converting the page received from the pagor to a message at a location other than the location of the pager. Accordingly, Applicant respectfully submits that claim 10 is allowable. Claim 18 also contains recitations similar to claim 10 and is believed to be allowable for at least the same reasons. Claims 12-15, 17, 19, and 21 depend from claim 10 or claim 18 and are believed to be allowable for at least the same reasons.
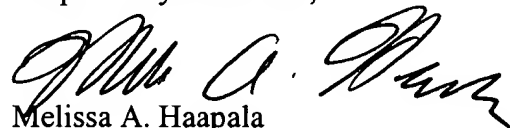
REQUEST FOR A TELEPHONE INTERVIEW

If there remain any issues of allowance with this Application, Applicant earnestly requests the Examiner telephone the undersigned at 303-571-4000.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Respectfully submitted,

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